

January 20, 1998

DURHAM, NORTH CAROLINA
TUESDAY, JANUARY 20, 1998
7:30 P.M.

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Absent: Council Member McKissick.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Tennyson called the meeting to order and at this time, Mayor Pro Tempore Clement informed the City Council that former City Attorney William I. Thornton recently received the Charles Ryan Life Time Achievement Award from the International Municipal Lawyers Association.

Mayor Tennyson requested that council take action on GBA #4 [Major Special Use Permit for TROSA].

**SUBJECT: MAJOR SPECIAL USE PERMIT - TRIANGLE RESIDENTIAL
OPTIONS FOR SUBSTANCE ABUSERS, INC. (TROSA) CASE
M97-6**

Mayor Tennyson asked if there were any questions regarding the approval of this permit. [No questions]

The public hearing was closed by the Mayor.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Miller to approve the "Order Granting, Upon Certain Conditions, a Major Special Use Permit for Triangle Residential Options for Substance Abusers, Inc. (TROSA) Case M97-6" was approved at 7:37 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard. Absent: Council Member McKissick. [Note: Council Member Brown unable to vote on this matter due to her absence at the December 15, 1997 City Council Meeting]

Ordinance #11331

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Ewell requested a

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closed session after the regular business of council to discuss pending litigation [Brown vs. City of Durham].

SUBJECT: CLOSED SESSION

MOTION by Mayor Pro Tempore Clement seconded by Council Member Langley to go into closed session after the regular business of council to discuss pending litigation [Brown vs. City of Durham] was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent At Time of Vote: Council Member Engelhard. Absent: Council Member McKissick.

City Manager Ewell stated that Diversitas, Inc. was prepared this evening to give the final results of the cultural audit report.

Jeffrey Atkins, of Diversitas, Inc. presented a slide presentation on the final report of the cultural audit including short and long term recommendations.

MOTION by Council Member Miller seconded by Council Member Cox to receive the cultural audit report from Diversitas, Inc. was approved at 8:11 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: Mayor Pro Tempore Clement. Absent: Council Member McKissick.

There were no priority items from the City Attorney and City Clerk.

Mayor Tennyson asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. Mayor Pro Tempore Clement asked that Consent #23 [Report Concerning Exposed Cablevision Cable in the Old Farm Area] not be pulled due to the fact that this matter had been resolved.

MOTION by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda as printed on the agenda was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

[CONSENT AGENDA]

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**SUBJECT: SALE OF RALEIGH-DURHAM AIRPORT AUTHORITY PROPERTY
TO THE TRIANGLE TRANSIT AUTHORITY (TTA)**

MOTION by Council Member Larson seconded by Council Member Miller to approve the sale of up to 12 acres of property of the Raleigh-Durham Airport Authority located on the south side of Chapel Hill-Nelson Road at the terminus of that road adjoining the easterly right-of-way of Interstate 540 to the Triangle Transit Authority (TTA) at a sale price of \$50,000 per acre provided the sale is closed not later than September 9, 1998 (if the closing does not occur by that date, the purchase price will increase by 3%, and by an additional 3% if the closing occurs after September 9, 1999) to permit development by the TTA of a Bus Maintenance Facility was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

**SUBJECT: TRAINING CONTRACT FOR THE POLICE DEPARTMENT - REECE
TRIMMER**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract with Reece Trimmer for the purpose of providing specialized legal training services at a rate of \$50 per hour up to 1,450 hours per year over a period of three years from the effective date of the contract was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

**SUBJECT: FIRE SUPPLY MAINTENANCE BUILDING ARCHITECT
SELECTION, 2008 EAST CLUB BOULEVARD - GEORGE H.
WILLIAMS COLLABORATIVE, P.A.**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract for architectural and related services with George H. Williams Collaborative, P.A. in the amount of \$37,800 for basic services plus \$7,000 for associated geotechnical testing and engineering fees to design the storage facility on current City property located at 2008 East Club Boulevard was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members

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Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

SUBJECT: FISCAL YEAR 1997-98 BUDGET ORDINANCE AMENDMENT #1

MOTION by Council Member Larson seconded by Council Member Miller to adopt "An Ordinance Amending the 1997-98 City of Durham Budget Ordinance, the Same Being Ordinance #11158" to increase revenues and appropriations by \$9,068,538.53 was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

Ordinance #11329

SUBJECT: RESOLUTION SUPPORTING THE CREATION OF AN ENVIRONMENTAL LOCAL ORDINANCE ENFORCEMENT COURT

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution in Support of Environmental Local Ordinance Enforcement Court" was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

Resolution #8418

SUBJECT: 1998-99 CONSOLIDATED PLAN NEEDS PUBLIC HEARING

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution to Set the 1998-99 Consolidated Plan Needs Public Hearing on Monday, February 2, 1998" was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

Resolution #8419

SUBJECT: BID REPORT FOR THE INTERIM AMTRAK STATION PLATFORM EXTENSION AND PARKING LOT PAVING

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MOTION by Council Member Larson seconded by Council Member Miller to receive a report on bids received for the extension of the passenger boarding platform and parking lot paving at the Interim Amtrak Station (City Manager to negotiate with lowest bidder) was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

SUBJECT: PROPOSED THREE-YEAR LEASE AGREEMENT RENEWAL TO LEASE SPACE IN A CITY-OWNED BUILDING LOCATED AT 106 MORRIS STREET - FJ'S EMPORIUM

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute the lease agreement renewal for space located at 106 Morris Street to operate FJ's Emporium was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

SUBJECT: PROPOSED LEASE AGREEMENT BETWEEN THE CITY OF DURHAM AND DURHAM PUBLIC SCHOOLS - HOLLOWAY STREET SCHOOL

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a lease agreement between the City of Durham and Durham Public Schools to lease space in the Holloway Street School Building for the Northeast Central Durham Partners Against Crime Initiative was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

SUBJECT: REPORT OF OFFER FROM WOOLWORTH CORPORATION TO DONATE REAL PROPERTY LOCATED AT 124 WEST MAIN STREET (FORMERLY WOOLWORTH STORE #222) TO THE CITY

MOTION by Council Member Larson seconded by Council Member Miller to receive an informational report from the Administration regarding the offer from Woolworth Corporation to donate real property located at 124 W. Main Street, Durham, North Carolina to the City of Durham was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown,

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Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

SUBJECT: MAYOR'S NOMINATION TO THE DURHAM HOUSING AUTHORITY

MOTION by Council Member Larson seconded by Council Member Miller to appoint John Dagenhart to the Durham Housing Authority with a term to expire September 28, 2001 was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

SUBJECT: RESOLUTION MEMORIALIZING MRS. NANCY YVONNE RHICE ROWLAND

MOTION by Council Member Larson seconded by Council Member Miller to direct the City Clerk to draft a resolution memorializing Mrs. Nancy Yvonne Rhice Rowland, Director of Admissions at North Carolina Central University was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

SUBJECT: RESOLUTION CELEBRATING THE 50TH ANNIVERSARY OF THE DUKE SCHOOL FOR CHILDREN

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution Celebrating the 50th Anniversary of the Duke School for Children" was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

Resolution #8420

SUBJECT: PRELIMINARY STUDY OF OFF PREMISE ALCOHOL SALES AND CRIME

MOTION by Council Member Larson seconded by Council Member Miller to receive an informational report from the Administration and to authorize a further study to develop an implementation plan for local regulation of off premise alcohol sales and lobbying of State officials for legislative

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change was approved at 8:15 p.m. by the following vote:
Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

SUBJECT: STREET CLOSING (CASE SC97-8) - HILTON AVENUE, BOBBY ROBERTS

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution 1) declaring the intent of the City Council to consider permanently closing a 15,084± square foot portion of Hilton Avenue west of Lexington Street and east of Sarah Avenue, and 2) setting a public hearing on Monday, February 2, 1998 to consider closing a 15,084± square foot portion of Hilton Avenue west of Lexington Street and east of Sarah Avenue was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

Resolution #8421

SUBJECT: STREET CLOSING (CASE SC97-9) - OLD PAGE ROAD, PARKS ASSOCIATES I LIMITED PARTNERSHIP

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution 1) declaring the intent of the City Council to consider permanently closing a 16,314± square foot portion of Old Page Road (SR 2060), west of Interstate 40 and east of South Miami Boulevard and 2) setting a public hearing on Monday, February 2, 1998 to consider closing a 16,314± square foot portion of Old Page Road (SR 2060), west of Interstate 40 and east of South Miami Boulevard was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

Resolution #8422

SUBJECT: STREET CLOSING (CASE SC97-12) - DEARBORN DRIVE, HOUSING AUTHORITY OF THE CITY OF DURHAM

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution 1) declaring the intent of the

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City Council to consider permanently closing a 23,889± square foot portion of Dearborn Drive, between Danube Lane and Keystone Place, and 2) setting a public hearing on Monday, February 2, 1998 to consider closing a 23,889± portion of Dearborn Drive between Danube Lane and Keystone Place was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

Resolution #8423

SUBJECT: DURHAM MUNICIPAL TRANSFER STATION #2

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute any Change Orders encountered during the construction of the Durham Municipal Transfer Station #2, provided the total cost of each individual Change Order does not exceed \$50,000.00 and that the total cost of Change Orders during construction does not exceed the project budget's contingency of \$231,813.00 was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

SUBJECT: AMENDMENT TO CONTRACT FOR ENGINEERING SERVICES, LAKE MICHIE DAM ASSESSMENT WITH GEI CONSULTANTS, INC.

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute Amendment 1 for additional engineering services to the existing contract with GEI Consultants, Inc. was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

SUBJECT: PROPOSED ACQUISITION FOR MARTIN LUTHER KING, JR. PARKWAY - 3432 WHITAKER ROAD, PROPERTY OF ARTHUR C. CLEARY AND WIFE ELIZABETH M. CLEARY

MOTION by Council Member Larson seconded by Council Member Miller to approve the acquisition of land and improvements located at 3432 Whitaker Road, Tax Map 415-06-010 and 011,

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property of Arthur C. Cleary and wife Elizabeth M. Cleary for \$65,800.00 was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

SUBJECT: RESALE OF WATER AND/OR SEWER SERVICE

MOTION by Council Member Larson seconded by Council Member Miller to adopt "An Ordinance to Amend Section 23 of the Durham City Code to Allow Sub-Metering of Apartments for the Resale of Water and/or Sewer Service" was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

Ordinance #11330

SUBJECT: WATER EXTENSION AGREEMENT WITH HANOVER R. S. LIMITED PARTNERSHIP - THE HAMPTONS

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a water extension agreement with Hanover R. S. Limited Partnership for the extension of City water to serve The Hamptons, a 35.16 acre, 286-unit apartment project located on the north side of N.C. #54 between North East Creek and Emerald Forest was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

SUBJECT: FINANCIAL HARDSHIP ASSESSMENT POLICY

MOTION by Council Member Larson seconded by Council Member Miller to adopt a Financial Hardship Assessment Policy establishing policy and procedures regarding the confirmation of assessments for various public improvements in cases of financial hardship was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

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SUBJECT: TIME PAYMENT PETITIONS APPROVALS

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution to Delegate to the City Manager or Designee of the City Manager the Authority to Approve Time Payment Petitions for Water and/or Sewer Capital Facility Fees Under Section 115.6(b) of the Charter of the City of Durham and the Authority to Approve Petitions for Water and Sewer Service Under Section 82 of the Charter of the City of Durham" was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

Resolution #8424

SUBJECT: STATUS REPORT CONCERNING EXPOSED CABLEVISION CABLE IN THE OLD FARM AREA

MOTION by Council Member Larson seconded by Council Member Miller to receive a status report from the Administration concerning exposed cablevision cable in the Old Farm area was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

SUBJECT: BIDS - ONE FIRE PUMPER, C. W. WILLIAMS & COMPANY, INC.

MOTION by Council Member Larson seconded by Council Member Miller to accept the bid from C. W. Williams & Company, Inc. in the amount of \$276,226.00 for furnishing the City with one fire pumper was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

SUBJECT: BIDS - ESTIMATED ANNUAL REQUIREMENTS FOR DIESEL FUEL, HEATING OIL, AND KEROSENE, COUCH OIL COMPANY OF DURHAM, INC.

MOTION by Council Member Larson seconded by Council Member Miller to accept the bid from Couch Oil Company of Durham, Inc., in the amount of \$265,270.50 for furnishing the City

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with its estimated annual requirements for diesel fuel, heating oil, and kerosene was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

SUBJECT: BIDS - RENTAL WITH OPTION TO PURCHASE OF ADDITIONAL TRANSFER STATION OPERATING EQUIPMENT, E. F. CRAVEN COMPANY

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a six month rental contract with the E. F. Craven Company in the amount of \$43,500.00 for providing the City with the use of a wheel loader was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

SUBJECT: SETTING PUBLIC HEARINGS TO CONSIDER ORDERING CERTAIN IMPROVEMENTS UNDER THE ENABLING ACT AUTHORITY

MOTION by Council Member Larson seconded by Council Member Miller to adopt resolutions setting public hearings on Monday, February 2, 1998 to consider ordering the following improvements under the Enabling Act Authority was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

- a. **Water Main - Hardee Street** from Cheek Road to Naples Place, and
- b. **Sewer Main - Hardee Street** from Cheek Road to south property line of Tax Map 353-1-5.

SUBJECT: SETTING PUBLIC HEARING TO CONSIDER ORDERING CERTAIN PETITIONED WATER MAIN IMPROVEMENTS

MOTION by Council Member Larson seconded by Council Member Miller to accept a Certificate of Sufficiency from the City Engineer for the petition for **Water Main on Tomahawk Trail** from Sandlewood Drive to Smith Drive, **Cherokee Court** from Tomahawk Trail to cul-de-sac, and **Pawnee Court** from Tomahawk

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Trail to cul-de-sac; and

To adopt a resolution setting a public hearing on Monday, February 2, 1998 to consider ordering the improvements was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

SUBJECT: SETTING PUBLIC HEARINGS FOR CONFIRMATION OF CERTAIN ASSESSMENT ROLLS

MOTION by Council Member Larson seconded by Council Member Miller to adopt resolutions setting public hearings on Monday, February 2, 1998 for confirmation of the following assessment rolls was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

- a. **Sewer Main - Rogers Road** from Fletchers Chapel Road to Penrod Road and **Fletchers Chapel Road** from Rogers Road to south property line Tax Map 707-7-16, and
- b. **Sidewalk - Anderson Street (East Side)** from Morehead Avenue to Duke University Road.

SUBJECT: TIME PAYMENT PETITIONS

MOTION by Council Member Larson seconded by Council Member Miller to approve the 14 Time Payment Petitions listed below was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

1. Thomas J. and Elizabeth A. Beier - 2719 Cooksbury Drive Sewer Lateral and Sewer Capital Facility Fee
2. Curtis W. and Pattie B. Canada, Sr. - 2709 Cooksbury Drive - Sewer Lateral and Sewer Capital Facility Fee
3. Andrew J. Courts, Jr. - 730 Wortley Drive - Water Lateral, Sewer Lateral, Water Capital Facility Fee and Sewer Capital Facility Fee

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4. John P. and Michele A. Kenland - 228 Country Club Drive - Water Lateral, Sewer Lateral, Water Capital Facility Fee and Sewer Capital Facility Fee
5. Lonnie L. Lorbacher - 923 Ellis Road - Sewer Lateral and Sewer Capital Facility Fee
6. Joe Louis Medlin - 714 Hancock Street - Sewer Lateral and Sewer Capital Facility Fee
7. Joseph E. and Elizabeth Moore - 2705 Cooksbury Drive - Sewer Lateral and Sewer Capital Facility Fee
8. Margaret A. Ndikom - 2742 E. Hollway Street - Water Lateral and Water Capital Facility Fee
9. Thomas W. and Mary F. Pruitt - 3818 Glenn Road - Water Main
10. Thomas W. and Mary Faye Pruitt - 3818 Glenn Road - Water Lateral, Sewer Lateral, Water Main, Water Capital Facility Fee and Sewer Capital Facility Fee
11. Deborah L. and William E. Riley, Jr. - 2608 Cooksbury Road - Sewer Lateral and Sewer Capital Facility Fee
12. Lillian E. Shade - 725 Hanson Road - Sewer Lateral and Sewer Capital Facility Fee
13. Brenda E. and David C. Watson, Jr. - 3106 Colclough Avenue - Water Lateral and Water Capital Facility Fee
14. Richard and Glorilyn M. West - 120 November Drive - Sewer Lateral and Sewer Capital Facility Fee

SUBJECT: STREET ACCEPTANCE - SCOTTISH HILLS, HOPE VALLEY FARMS, GREYSTONE, HICKORY GLEN AND PICKETT'S CROSSING

MOTION by Council Member Larson seconded by Council Member Miller to accept certain street, as listed below, for maintenance by the City of Durham was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

1. North Pointe Drive - from the centerline of Broad Street westward to the end of maintenance at STA 10 + 00 (1,779')

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2. Lassiter Street - from the previous end of maintenance at STA 10 + 99 northward to the end of street at STA 15 + 40 (441')

Scottish Hills - Phases I & II

1. Jenee Lane - from the centerline of Cathy Drive northward through the cul-de-sac (716')
2. Vermel Court - from the centerline of Jenee Lane eastward through the cul-de-sac (102')

Hope Valley Farms
Spring Meadow - Phase I

1. Spring Meadow Drive - from the centerline of Juliette Drive northward to the end of Phase I (STA 7 + 50) (750')
2. Ingram Court - from the centerline of Spring Meadow Drive eastward through the cul-de-sac (174')
3. Windyrush Court - from the centerline of Spring Meadow Drive eastward through the cul-de-sac (216')
4. Greymist Drive - from the centerline of Spring Meadow Drive northwest through the cul-de-sac (445')

Greystone

1. Waystone Place - from the centerline of Stonelick Drive south through the cul-de-sac (477')
2. Big Stone Drive - from the centerline of Stonelick Drive westward through the cul-de-sac (219')
3. Stonelick Drive - from the end of Phase I eastward to the centerline of Clayton Road (832')

Hickory Glen

1. Wedgedale Avenue - from the centerline of Woodcrest eastward to the end of pavement (840')
2. Hickory Glen Lane - from the centerline of Wedgedale Avenue south through the cul-de-sac (1,025')
3. Hickory Glen Lane - from the centerline of Wedgedale Avenue north through the cul-de-sac (510')

Pickett's Crossing

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1. Branchwood Drive - from the centerline of Cambridge Drive westward then north to the end of Phase I at STA 32 + 00 (1,415')
2. Sugar Pine Lane - from the centerline of Branchwood Drive north to the end of Phase I at STA 9 + 00 (485')
3. Big Oak Court - from the centerline of Sugar Pine Lane eastward through the cul-de-sac (282')

SUBJECT: CITY COUNCIL MINUTES - CITY CLERK'S OFFICE

MOTION by Council Member Larson seconded by Council Member Miller to approve the official minutes of the December 15, 1997 regular City Council meeting was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

[GENERAL BUSINESS AGENDA]

SUBJECT: Sewer Main - Ellis Road from Ed Cook Road to Rada Drive (Mini Assessment Roll)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

- a. Property of Walter E. and Lillie J. Langley

MOTION by Council Member Larson seconded by Council Member Miller to find that the property of Walter E. and Lillie J. Langley, identified as Tax Map #566-1-5, 1335 Ellis Road, Part of Lot 2, has benefited from the sewer main improvement and to confirm the assessment in the amount of \$5,988.85 was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

- b. Property of Jacques A. and Sarah J. Shy, Sr.

MOTION by Council Member Larson seconded by Council Member Miller to find that the property of Jacques A. and Sarah J.

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Shy, Sr. has benefited from the sewer main improvement and to confirm the assessment in the amount of \$1,991.50 was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

SUBJECT: UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE LOCAL LAW ENFORCEMENT BLOCK GRANT

- a. To accept a grant award in the amount of \$424,386 from the U.S. Department of Justice (USDOJ).
- b. To receive citizen comments on the proposed grant expenditures.
- *c. To adopt "The City of Durham and U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, 'Local Law Enforcement Block Grant' Project Ordinance."

***Note: Adoption of the Ordinance pending citizen comments.**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

District Attorney Jim Hardin noted that longer prison sentences have an affect on reducing crime which has not happened in Durham. He requested council to support funds for the Habitual Offender Program in the amount of \$173,840.00.

Sidney Brodie, representing Stop the Violence Tour, requested council to allocate funds from this grant to community organizations to assist them with their crime reduction efforts.

Nellie Taylor-Jones, a resident of Mossdale Avenue, spoke in support of curving juvenile crime. While participating in various community organizations, Ms. Jones stated the following ideas have surfaced: 1) a need for strong leadership from the Durham Police Department and the City of Durham; and 2) enforcement, prevention and intervention. She stated in order to carry out these goals an increase in the number of police officers, truant officers and park rangers will be needed along with adequate and appropriate technological equipment. She stated money should also be used to strengthen community policing; and provide

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collaboration for the Hispanic Community.

Anita Hammonds, a resident of Mossdale Avenue, stated funds should be committed to help reform the juvenile justice system of Durham.

Mayor Tennyson closed the public hearing.

[Comments from Council]

Council Member Brown asked the administration if there was room for adjustment relative to the recommended allocation of funds from this grant.

Dr. Kathryn Henningson, of the Police Department, stated if there was some disagreement about the suggestions the citizens committee recommended, the administration could submit those concerns to the citizens committee.

Council Member Brown stated during a past public hearing about a justice department grant, there were concerns about the lack of support or recommendations for community-based projects.

Dr. Kathryn Henningson stated several of the speakers this evening had issues that were being addressed in the recommendations from the citizens committee.

Council Member Brown asked for clarification on how the funds [\$173,840] would be spent for the Habitual Offender Program.

District Attorney Jim Hardin stated they would be hiring two additional assistant prosecutors and one investigator.

Council Member Brown asked how can community-based organizations that are working on crime prevention efforts have input into decisions relative to these types of grants. Ms. Brown noted even though it was stated earlier that the Mobile Substation may address community-based organizations, she did not feel it would play the same kind of role as well as some of the ideas suggested this evening. Council Member Brown stated wherever there is flexibility to adjust some of the recommendations [that some of the money be allocated for community-based solutions].

A motion was made by Council Member Miller to receive and review the citizens' comments and to ask the administration to see if there are ways to allocate funding for community-based organizations [item will come back before the Finance Committee scheduled for February 5, 1998] This motion was seconded by Council Member Cox.

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Council Member Cox stated last year when the public hearing was held relative to grant funds from the Justice Department, the same recommendation was noted that money should be allocated to community-based crime reduction initiatives.

Dr. Kathryn Henningson stated upon reviewing the citizens' concerns last year, the administration realized the concerns were already being dealt with.

Council Member Cox stated he would like to see the citizens oversight committee allocate money from this grant for community-based organizations for crime reduction initiatives.

Council Member Larson reminded council of the other opportunities for applying for grant monies for community-based programs.

Council Member Langley stated she would like to see the monies directed to groups who are really dedicated to the children in order for them not to become repeat offenders.

For clarification of the motion, Mayor Tennyson asked Council Member Miller if he was requesting the citizens oversight committee to submit a specific dollar amount relative to allocating funds for community groups.

Council Member Miller stated we are asking the administration and the citizens oversight committee to review the comments by council and citizens; and to come back with another proposal relative to the allocation of grant funds.

MOTION by Council Member Miller seconded by Council Member Cox to receive citizen comments on the proposed grant expenditures; and to direct the administration to review the comments of council and citizens and to submit another proposal on the allocation of funds [item to come through the February 5, 1998 Finance Committee] was approved at 8:56 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley and Miller. Noes: Council Member Larson. Absent: Council Member McKissick.

**SUBJECT: 1998-99 FISCAL YEAR BUDGET, FISCAL YEAR 1999-2000
RESOURCE ALLOCATION PLAN, AND CITY OF DURHAM
STRATEGIC PLAN**

To receive citizen comments concerning the following items:

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- a. Fiscal Year 1998-99 Budget and the Fiscal Year 1999-2000 Resource Allocation Plan,
- b. Fiscal Years 1999-2004 Capital Improvement Plan, and
- c. City of Durham Strategic Plan.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Terry Allebaugh, representing the Campaign for Decent Housing, noted that they have worked with the City to involve more than 300 people, distributing information to 6,000 homes, and improved housing in target areas. He noted a new housing inspector was increasing the number of homes brought up to the Housing Code in target areas and relocation assistance is now available to tenants who must leave condemned homes. He stated efforts needed to continue in getting an Environmental Court to speed up code enforcement, and enabling legislation and housing code changes to require that homes be repaired within 3-6 months, instead of being boarded up for a year.

Jackie Wagstaff, Jack Preiss and Diane Wright, representing the Campaign for Decent Housing, asked the council to take the following actions: 1) commit the resources necessary to ensure that all homes are brought up to the City Housing Code within three to five years; 2) develop a program to rehabilitate single-family rental homes; and 3) fund four positions to link City housing services with citizens and community groups.

Joanna Wolfe, a resident of Durham, spoke in support of a dog park in Durham.

Phillip Green, representing Forestview Heights Community, spoke in support of their neighborhood having a park.

Deputy Chief Travis Clements, representing the Lebanon Fire Department, spoke in support of the city working with the existing volunteer fire departments as they are annexed. He stated this approach could save the taxpayers \$650,000 a year.

Will Epperson, Philip Tidy and Ben Iouscs spoke in support of Durham having a skateboard park.

David Smith, representing People's Alliance, spoke in support of the Livable Wage Ordinance, and additional funds allocated to bring all of Durham's housing up to code in five years.

Bob Novak, a resident of Woodcroft, spoke in support of funds

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for Community Shelter for Hope, a full-base contract for the Parkwood Volunteer Fire Department, and televised meetings of Public Works and Finance.

Bill Kalkof, representing Downtown Durham, Inc., spoke in support for more money for police officers, a master plan for downtown Durham and the redevelopment of the Woolworth Building.

Lavonia Allison, representing the Committee on the Affairs of Black People, spoke in support of the the council establishing a cooperative effort with the Durham Committee.

David Hoard, representing Eagle Village, spoke in support of a new position being created to handle grants for the city.

Muna Mujahid, representing Southwest Central Durham, spoke in support of a PAC officer being hired permanently for the Southwest Central Durham area.

Gloria Beamon, representing Southwest Central Durham, requested council to support funding for an impact team for the Southwest Central Durham area.

Cheryl Hunter requested council to support recreational facilities to assist young black males.

Rev. Frederick Davis, Pastor of First Calvary Baptist, spoke in support of continued support for the revitalization of the west end area.

Linda Hinton-Conley spoke in support of adequate funding for economic development.

Mayor Tennyson asked if there were other individuals present wanting to speak on this item. The public hearing was closed by the Mayor.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizen comments concerning the following items:

- a. Fiscal Year 1998-99 Budget and the Fiscal Year 1999-2000 Resource Allocation Plan,
- b. Fiscal Years 1999-2004 Capital Improvement Plan, and
- c. City of Durham Strategic Plan.

was approved at 9:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members

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Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

SUBJECT: MAJOR SPECIAL USE PERMIT - HOPE VALLEY ELEMENTARY SCHOOL CASE M97-7

Recommendation: Hold the public hearing on Tuesday, January 20, 1998 and evaluate the evidence presented. The Planning staff will make a recommendation after the hearing of this case. After the hearing, one of these two motions is in order:

- a. **(Approval With or Without Conditions)** - To direct the Planning Director to prepare a decision granting with conditions the Use Permit in Case M97-7. (Council should identify any conditions they wish to incorporate into their approval. Staff will prepare the decision for Council's next meeting for action.)
- b. **(Disapproval)** - To direct the Planning Director to prepare a decision denying the Use Permit in Case M97-7. (Council should identify the findings they are unable to make so these can be incorporated into the decision. Staff will prepare the decision for Council's next meeting for action.)

At this time, Mayor Tennyson gave an explanation of the proceedings for this matter.

City Clerk Bowers swore in the following individuals: John Parham; Helen Youngblood; Michael Mulheim; Phil Freelon; Paul Norby; Michael Morries; John French; Dan Dore; Jan French; Howard W. Fleming, Jr.; Hugh Ostern; and Montell Irvin.

Mayor Tennyson asked council to reveal any possible conflicts and to withdraw from this hearing if necessary. Also, the Mayor asked if any council member had been exposed to any evidence or information that may not come out at the hearing tonight.

Council Member Cox stated that he was contacted by someone concerning this case. He stated the conversation he had would not in any way have an affect on his knowledge of the case.

Council Member Miller stated that he was contacted by a citizen; however, no significant details were discussed. He noted the citizen did express possible objection based on the traffic patterns.

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Council Member Blyth disclosed that she did receive several letters in the mail. She noted she did not read the letters and they were placed in a folder.

The Mayor opened the hearing on Case M97-7.

Testimony from Staff

Helen Youngblood, of the City/County Planning Department, requested that the staff report submitted become part of the record with any other exhibits and testimony presented this evening.

Ms. Youngblood briefed council on the following: 1) type of request; 2) proposed use; 3) previous/present uses; 4) access point; 5) surrounding zones and uses; 6) circulation; 7) parking and loading; 8) effect on adjacent properties; 9) service entrances and areas; 10) utilities; 11) screening and landscaping; 12) signs and lighting; 13) open space and; 14) compatibility. She stated the Development Review Board approved the site plan subject to verifications and corrections at their November 21, 1997 meeting which includes the following:

1. Removal of cafeteria worker spaces to the rear of the building
2. Restriction of left turns lanes onto Dixon (by raised concrete median entrance)
3. Delay of start time to 9:00 a.m.
4. Creation of sidewalk connections to University and Dixon
5. Removal of shrubs etc. from the site distance triangles and the provisional access for emergency vehicles along University Drive at the existing drive cut (the Fire Marshal has rectified this with the applicant)

Mayor Tennyson asked if there were any questions from the council, the applicant or other interested parties.

Relative to the proposed start time, Council Member Larson asked if the start time would commence at 9:00 a.m. or would the school open to receive students and staff at 9:00 a.m.

Helen Youngblood replied she would prefer the applicant to address the proposed 9:00 a.m. start time.

Mayor Pro Tempore Clement asked what type of impact would this proposal have on traffic in the area.

Helen Youngblood stated she would prefer that Mr. Lewellyn, of the Transportation Department, answer questions relative to traffic routes.

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Earl Lewellyn, of the Transportation Department, requested that a letter dated January 12, 1998 from the North Carolina Department of Transportation be included in the record.

Mr. Lewellyn stated in reviewing the access issues, the Transportation Department reviewed the following: 1) providing a separate drop-off area for students; 2) adequate sight distance from all access points; 3) necessary roadway improvements; 4) adequate stacking for student drop-off; and 5) impact on adjacent residential streets.

Mr. Lewellyn stated the staff supported a separate drop-off area for the students from the bus access for safety reasons. He noted two specific roadway improvements were required and approved by DRB 1) the widening of Dixon Road to allow for left turns; and 2) adding a restriction for left turns out of the Dixon Road site. Due to the size and shape of the parcel/building, Mr. Lewellyn stated the staff felt only an access from Dixon Road can provide sufficient on site storage for parents dropping off or picking up their children. Relative to impact on adjacent residential streets, he stated the school system anticipates only 11 or 12 buses and a limited number of service vehicles using the Ithaca Street driveway.

Mr. Lewellyn stated due to the high volume of traffic on University Drive, they do not recommend a driveway onto University Drive. He noted they did support the plan as approved by the Development Review Board. Mr. Lewellyn stated it has been suggested that a signal be provided as an option allowing bus access onto University Drive. With regard to the additional signalized driveway onto University Drive, Mr. Lewellyn stated the City of Durham's Transportation Department and NCDOT were not in favor of this option. Also, he noted that NCDOT supports not having a driveway onto University Drive.

Mayor Tennyson asked if there were questions from council, the applicant or other interested parties.

Jan French, representing the Hope Valley Elementary School Neighborhood Association, asked Mr. Lewellyn if the letter from NCDOT dated January 12, 1998 provided any new information beyond what is stated in his memo dated December 21, 1997.

Earl Lewellyn, of the Transportation Department, stated the additional information provided was a signal on University Drive would require approval by the North Carolina Department of Transportation. He noted his memo indicated that the City's Transportation Department would not support such a signal.

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Jan French asked the relevance of the letter as it pertains to the assigning of past practices for police officers during peak hours for bus entrance and exit to University Drive.

Earl Lewellyn replied the letter from NCDOT does not speak to that issue.

Discussion was held by council on the letter from NCDOT dated January 12, 1998. [For an indepth discussion, please refer to the tape]

Testimony from Applicant

Michael Mulheim, representing Durham Public Schools, briefed council on the history of Hope Valley School. He stated one of their biggest concern when designing a school is safety and reducing the capacity of the school would help alleviate some of the traffic concerns. He noted they were trying to re-distribute the traffic to ease the flow [the rear and entrance onto Ithaca] which is primarily 10 to 12 buses in the morning and afternoon and service vehicles. Mr. Mulheim felt this would be a minimum impact on the community. He stated they have had two meetings with the community and their greatest concern was the traffic being proposed to run through the neighborhood. He stated the community came up with a solution to run the school bus driveway onto University Drive with the installation of a trip light. Mr. Mulheim stated they did make a request to the City/County Planning Department relative to the community's solution; however, the request did not prevail. He asked the City Council to direct the installation of a trip light on University Drive.

Mayor Tennyson asked if there were any questions from the council or other interested parties.

Discussion was held on a possible alternative [installation of a trip light on University Drive]; the traffic capacity on University Drive; the possibility of widening University Drive; the 9:00 a.m. start time; the route of the buses; and the number of buses needed to transport students. (For an indepth discussion, please refer to the tape)

Testimony from Opponents

Dan Dore, representing Hope Valley Elementary School Neighborhood Association, expressed the neighborhood's strong support for the school board's decision to rebuild the school on the present site; however, he noted the school board's request for a major special use permit contains various flaws in terms of planned traffic access for buses and delivery

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vehicles. Mr. Dore stated they felt the City Council had only one legal option in the case to vote in favor of Motion B disapproving the request because the plans as submitted cannot be approved as written due to inadequate access for buses and delivery vehicles.

[Mr. Dore submitted as evidence a letter dated December 12, 1997 addressed to Earl Lewellyn of the City of Durham's Transportation Department from Michael Mulheim]

[Mr. Dore submitted as evidence the transportation assessment report prepared for the Durham Public School by Ramey Kemp & Associates]

Jan French, representing Hope Valley Elementary School Neighborhood Association, raised concern with the staff report relative to 1) Circulation; and 2) Parking and Loading. Ms. French stated they were not opposed to the shift in the use of the Dixon Road access; however, they were opposed to the elimination of the University Drive access which should be maintained as the entrance to the school for buses, delivery and service vehicles. Also, Ms. French raised concern with Mr. Lewellyn's memo dated December 21, 1997.

At this time, Ms. French asked Montell Irwin, of Ramey Kemp & Associates, to confirm the actual route of the buses. She noted that the impact on their neighborhood is far wider and more extensive than is indicated in Mr. Lewellyn's report.

Montell Irwin stated "all school bus and delivery vehicle traffic will use Ithaca Street to access the school. These vehicles will access Ithaca Street from the west using Dixon Road and Princeton Avenue and from the east using a combination of streets (Hope Valley Road, Princeton Avenue, Bexley Avenue, Stanford Drive and Kamis Street)."

Mayor Tennyson asked if the staff wanted to respond to any comments made by the opponents.

Helen Youngblood, of the City/County Planning Department, stated that the staff report was presented to council strictly on factual information relative to the site plan approved by the Development Review Board.

Earl Lewellyn, of the Transportation Department, noted that buses currently use a number of the residential streets. Mr. Lewellyn asked Montell Irwin, of Ramey Kemp & Associates, to state what his conclusions and recommendations were in the transportation assessment report. He stated it was his understanding that the report confirms/agrees with the staff recommendations as well.

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Montell Irwin stated "direct access onto University Drive from the proposed Hope Valley Elementary School is not recommended due to existing heavy traffic volumes and excessive speeds on University Drive, and limited sight distance at one of the school's driveways. Based on these factors, it is recommended that the existing school driveways on University Drive be eliminated. It is recommended that the main access to the school be from Dixon Road as shown on the preliminary site plan."

Mayor Tennyson asked if there were questions from the proponents.

Michael Mulheim explained how they arrived at the number of buses needed to transport students. [At this time, Mr. Mulheim asked Dan Dore if the residents would accept the approval of the project with a recommendation from the City Council to NCDOT that a trip light be installed].

Dan Dore stated they were in favor of the school being placed at the location; however, they were opposed to Ithaca Street being opened.

Jan French asked that Mr. Mulheim's recommendation include "or a police officer."

Earl Lewellyn stated any sort of driveway permit or signal on University Drive does require NCDOT approval.

Mayor Tennyson asked if there were any questions from council.

Council Member Larson noted that the site plan before council this evening does not include a driveway onto University Road. He stated not having heard a request to modify the site plan, it was his understanding that this is what council must consider.

Helen Youngblood, of the City/County Planning Department, stated the site plan has been approved by the Development Review Board. She stated council can choose to add or remove conditions from site plans that are brought forth as major special use permits.

Mayor Tennyson asked if there were questions from the proponents.

For clarification, Michael Mulheim asked that the City Council consider a friendly amendment "strongly recommend to NCDOT that we proceed with _____ driveway and a trip light etc." and should that request fail, the plan originally

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presented by the school board would prevail."

Mayor Tennyson asked if there were comments from the opponents.

Jan French stated they would not agree to the amendment stated by Mr. Mulheim. She stated they want no traffic coming through Ithaca to the school and they would not want this proposal to be dependent on NCDOT. She asked the council to vote against this plan including the friendly amendment.

Staff's Recommendation

Helen Youngblood stated the staff recommended approval of the site plan as presented to the council this evening dated January 15, 1998 along with the comments by the Transportation Department.

A motion was made by Mayor Pro Tempore Clement to have the City Council, the school authorities and the neighborhood work with NCDOT to discuss traffic and safety concerns relative to the proposed school. This motion was seconded by Council Member Cox.

City Attorney Blinder noted it would be appropriate for the staff to work with NCDOT rather than the City Council.

SUBSTITUTE MOTION by Council Member Larson seconded by Council Member Engelhard to direct the Planning Director to prepare a decision granting the major special use permit with conditions: [approval contingent on staff negotiations with NCDOT establishing access for bus and service vehicles using the existing driveway on University Drive]; and inclusive of the staff's recommendations as follows:

- 1) Removal of cafeteria worker spaces to the rear of the building
- 2) Restriction of left turns onto Dixon (by raised concrete entrance median)
- 3) Delay of start time to 9:00 a.m.
- 4) Creation of sidewalk connections to University and Dixon
- 5) Removal of shrubs etc. from site distance triangles and the provisional access for emergency vehicles along University Drive at the existing drive cut (the Fire Marshal has rectified this with the applicant; and

To direct the planning staff to report back to council at the February 2, 1998 City Council Meeting providing the results of the negotiations with NCDOT regarding the bus and service

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vehicular access on University Drive was approved at 12:07 a.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

SUBJECT: ZONING MATTER CASE P97-64, BELLSOUTH MOBILITY, SOUTHWEST CORNER OF THE INTERSECTION OF FAYETTEVILLE ROAD

Case: P97-64

Applicant: BellSouth Mobility

Location: Lots on the southwest corner of the intersection of Fayetteville Road and NC-54 (Tax Map #525, Block 2, Lots 6, 8, 9A, 10 and 11)

Request: Rezoning from SC (Shopping Center) and OI-2(D) (Office and Institutional with a Development Plan) and MTC (Major Transportation Corridor) and F/J-B (Falls/Jordan Protected Area) Overlays to SC (Shopping Center) and OI-2(D) (Office and Institutional with a Development Plan) and MTC (Major Transportation Corridor) and F/J-B (Falls/Jordan Protected Area) Overlays--**Change in Development Plan**

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code by taking the above described property out of SC and OI-2(D) and MTC and F/J-B Overlays and placing same in and establishing same as SC and OI-2(D) and MTC and F/J-B Overlays.

Zoning Committee's Recommendation and Vote: Approval (6-1)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Attorney Travis Porter, representing the applicant, spoke in support of this rezoning request.

No one spoke in opposition. Mayor Tennyson closed the public hearing.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code by taking the above described property out of SC and OI-2(D) and MTC and F/J-B Overlays and placing same in and establishing same as SC and OI-2(D) and MTC and F/J-B Overlays was approved at 12:20 a.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley and Larson. Noes: Council Member Miller. Absent: Council

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Member McKissick.

**SUBJECT: ZONING MATTER CASE P97-67, S & R PARTNERSHIP, 4706
HOPE VALLEY ROAD AND GARRETT ROAD**

Case: P97-67

Applicant: S & R Partnership

Location: The 9.976-acre site, located at 4706 Hope Valley Road (NC-751), consists of three parcels, one fronting on Garrett Road. These lots are identified as Tax Map 426, Block 1, Lots 7, 16, and 17.

Request: Rezoning from R-10 (Residential-10) and PDR (Planned Density Residential) to RM-12(D) (Multi-family Residential at 12 units per acre); F/J-B Overlay

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-10 and PDR and placing same in and establishing same as RM-12(D); F/J-B Overlay.

Zoning Committee's Recommendation: Approval (7-0)

City Manager's Recommendation: Approval, subject to changes to the Development Plan

Attorney Jack Markham, representing the applicant, requested council to continue the public hearing until the April 20, 1998 City Council Meeting.

MOTION by Council Member Larson seconded by Council Member Miller to continue the public hearing without further advertisement until the April 20, 1998 City Council Meeting was approved at 12:23 a.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: None. Absent: Council Member McKissick.

**SUBJECT: PROPOSED ZONING ORDINANCE AMENDMENTS REGARDING
STANDARDS FOR CAMPAIGN SIGNS (VERSIONS A AND B)**

a. **Version A** of Proposed Ordinance

To receive citizen comments.

To adopt "An Ordinance to Amend the Durham Zoning Ordinance Regarding Sign Standards."

Zoning Committee's and Staff's Recommendations: Approval

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of Version A

b. **Version B** of Proposed Ordinance

To receive citizen comments.

To adopt "An Ordinance to Amend the Durham Zoning Ordinance Regarding Sign Standards."

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

No one spoke on this item. Mayor Tennyson declared the public hearing closed.

A motion was made by Council Member Cox to adopt Version B of the proposed ordinance as amended "such signs shall be removed within 12 days after an election." This motion was seconded by Council Member Engelhard.

SUBSTITUTE MOTION by Council Member Larson seconded by Council Member Langley to adopt "An Ordinance to Amend the Durham Zoning Ordinance Regarding Sign Standards" **Version B as amended "such signs shall not be posted earlier than 45 days prior to a primary, general or special election and are to removed within 12 days after the election"** was approved at 12:32 a.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Griffin, Jacobs, Langley, Larson and Miller. Noes: Council Members Cox, Burnette, Brown and Engelhard. Absent: Council Member McKissick.

Ordinance #11332

[OTHER MATTERS]

SUBJECT: LIVING WAGE ORDINANCE

Ann Sink, representing the People's Alliance, spoke in support of this ordinance.

Bob Novak, a resident of the Woodcroft Community, spoke in opposition to the passage of this ordinance.

MOTION by Council Member Miller seconded by Council Member Cox to adopt "An Ordinance Requiring the Payment of a Liveable Wage" as amended;

To form a Council Committee appointed by the Mayor to establish metrics (performance indicators) in order to

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determine the success of the Ordinance; and

To have City Council review the Ordinance one year after adoption was approved at 1:00 a.m. by the following vote: Ayes: Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley and Miller. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Member Larson. Absent: Council Member McKissick.

Ordinance #11333

SUBJECT: DURHAM AUTHORITY HOUSING APPOINTMENT

To appoint William Thomas Brannon to the Durham Housing Authority for a term to expire September 28, 2002.

City Clerk Bowers distributed ballots to the council.

A motion was made by Council Member Miller to appoint William Thomas Brannon to the Durham Housing Authority. This motion was seconded by Council Member Brown.

SUBSTITUTE MOTION by Mayor Pro Tempore Clement seconded by Council Member Larson to appoint Robert Reid to the Durham Housing Authority for a term to expire September 28, 2002 **FAILED** at 1:06 a.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Griffin and Larson. Noes: Council Members Blyth, Brown, Burnette, Cox, Engelhard, Jacobs, Langley and Miller. Absent: Council Member McKissick.

MOTION by Council Member Miller seconded by Council Member Brown to appoint William Thomas Brannon to the Durham Housing Authority for a term to expire September 28, 2002 was approved at 1:06 a.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: Mayor Pro Tempore Clement. Absent: Council Member McKissick.

SUBJECT: DURHAM HOUSING AUTHORITY - HOUSING CONDITIONS

Joyce Nichols, representing the Durham Housing Authority stated the Housing Authority was not perfect; however, they try to address the residents concerns as quickly as possible.

Tara Nichols, representing the Housing Committee of Durham Committee on the Affairs of Black People, commended the City Council on its efforts to establish a sub-committee to look

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into the concerns relative to the Housing Authority's housing conditions.

Deloise Rogers, representing the Durham Housing Authority, asked the council not to appoint a committee at this time. She stated they have capable board members to take care of the problems.

Lavonia Allison, representing the Durham Committee on the Affairs of Black People, ask the council to delay action on this item and allow the Durham Housing Authority along with the Housing Committee of the Durham Committee on the Affairs of Black People to meet on these issues.

A motion was made by Mayor Pro Tempore Clement to defer action on this matter until the Durham Housing Authority and the Housing Committee of the Durham Committee on the Affairs of Black People meet on these issues. This motion was seconded by Council Member Larson.

SUBSTITUTE MOTION by Council Member Miller seconded by Council Member Cox to establish a Subcommittee consisting of interested members of the City Council, the Housing Authority Administration, the Housing Authority Board, the Committee on the Affairs of Black People (Housing Committee), North Carolina Fair Housing Agency, and residents of public housing and other interested persons to seek solutions to various Housing Authority housing repair and maintenance problems. (Council Member Pamela Blyth agreed to serve as Chair of the Subcommittee) was approved at 1:27 a.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley and Miller. Noes: Mayor Pro Tempore Clement and Council Member Larson. Absent: Council Member McKissick.

SUBJECT: PROPOSED CHANGES TO THE WATER AND SEWER EXTENSION POLICY

To adopt a "Resolution Establishing the City of Durham Water and Sewer Infrastructure Extension/Economic Development Policy."

Note: This item was removed from the agenda by the City Manager. Item to be placed back on the agenda at a later date.

There being no further business to come before the Council, the meeting was adjourned into closed session.

January 20, 1998

D. Ann Gray
Deputy City Clerk

Margaret M. Bowers, CMC
City Clerk